IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.24359 OF 2005

Between:

G.Rama Mohana, S/o.G.Venkataramudu,

Aged about 33 years, C/o.M/s.Mohanti Srinivas Khadi &

Village Association, Benchkotal, Guntakal, Anantapur Dist.

And others.

..... PETITIONERS

AND

The Union of India,

Rep. by its Chairman,

Railway Board,

Rail Bhavan, New Delhi,

And others.

....RESPONDENTS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

RAMESH RANGANATHAN

WRIT PETITION No.24359 OF 2005

O R D E R

(Per Sri Justice J.Chelameswar)

Aggrieved by an order in O.A.No.973 of 2004, dated 03.03.2005 on the file of Central Administrative Tribunal, Hyderabad Bench, the unsuccessful applicants therein, who are four in number, filed the present writ petition with a prayer as follows:

> **"……Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly in the nature of CERTIORARI declaring the order dated 03-03-2005 in O.A.No.973 of 2004 on the file of CAT Hyderabad Bench, Hyderabad, as bad, illegal, arbitrary and quash the said order and declare that the petitioners are entitled to absorption and regularization in the regular establishments of S.C. Railways and consequently direct the respondents to absorb and regularize the petitioners in any eligible and suitable posts like Porters, Group-D etc. and to pass ……"**

A body known as M/s.Mohanti Srinivasa Khadi & Village Association registered under Companies Act was allotted the work of fuel and ash handling, unloading and stacking at Guntakal Division of South Central Railways for a period of more than a decade between 1982 to 1993. The writ petitioners herein along with certain others were employed by the said Company. Due to phasing out of the steam engines by the Indian Railways and replacement of electrical engines, the kind of work that was entrusted by the respondents to the petitioners Company became redundant and the contracts with the Company were not renewed by the Railways. Thereafter, various employees of the Company started making representations to the Railway authorities seeking that they should be absorbed into the services of the Indian Railways. As the Railway Authorities did not respond favourably, some of the employees of the above-mentioned company had earlier approached the Central Administrative Tribunal, Hyderabad Bench, by way of filing Original Application No.1212 of 1999, which was dismissed. However, in another O.A.No.1854 of 1999, the Tribunal issued a direction that the names of the applicants therein should be entered into the 'live register' and to re-engage them as and when casual labourers are required by railway administration. Challenging the correctness of such a direction, the respondents had earlier approached this Court by way of writ petition i.e. W.P.No.1804 of 2001, which was allowed by a Division Bench of this Court by order dated 31.08.2004. While allowing the said writ petition, the Division Bench observed as follows:

> **"7. This judgement, however, do not preclude the railway administration in the Guntakal Division to consider the case of the applicants for engagement, in case a policy is framed for engaging Ex-contract labour**

and the case of the applicants may be considered by the railway administration, if and when such a Scheme is framed and the cases of Ex-contract labour require to be considered for re-engagement under such a scheme. No costs."

Thereafter, it appears that the petitioners herein continued to make representations to the respondent railway authorities. Complaining that no action was taken by the respondent authorities, the petitioners herein approached the Central Administrative Tribunal by way of filing O.A.No.973 of 2004 which was dismissed by the order impugned herein.

It is not the case of the petitioners that the respondents framed any policy to absorb the persons who were engaged either directly or indirectly as contract labourers. In the absence of any allegation that there exists a policy framed by the respondents to give priority to contract labour who had worked with the respondents earlier, the petitioners have no enforceable right. The Tribunal, in our view, rightly dismissed the O.A.

We do not see any merit in the writ petition and the same is dismissed at the stage of admission itself.

JUSTICE J.CHELAMESWAR

JUSTICE RAMESH RANGANATHAN

15th NOVEMBER, 2005

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

RAMESH RANGANATHAN

WRIT PETITION No.24359 OF 2005

(Per Sri Justice J.Chelameswar)

15TH NOVEMBER, 2005